

Uruguay: Issues concerning the Optional Protocol on the involvement of children in armed conflict (OPAC)

Pre-session 102: September 2025

Submission to the Committee on the Rights of the Child for the List
of Issues Prior to Report for the Combined Fifth and Sixth and
Seventh Periodic Reports of Uruguay under the Convention on the
Rights of the Child

Summary

This submission raises the following issues

1. Enrolment of students in military schools, the status of students and the nature of the curricula.
2. Criminalisation of the recruitment of children and their use in hostilities in violation of OPAC:
3. Treatment of refugees, asylum-seekers and migrants who may have been involved in armed conflicts elsewhere.
4. Sexual abuse of children committed by Uruguayan peacekeepers.

Introduction

Conscience and Peace Tax International (CPTI) present these comments as part of their project to monitor progress made by states parties in their implementation of OPAC.

Background: Military Service in Uruguay¹

¹International Institute for Strategic Studies (London), [The Military Balance 2025](#)

Population (November 2024)

3,425,000

Armed Forces active personnel (November 2024)

21,100

Military service in Uruguay has been exclusively voluntary, at least in recent decades.

Military service:

The right of conscientious objection to military service was recognised in legislation in 1940, which authorised the imposition of conscription but was never implemented.

OPAC

Ratified:

9th September 2003

Declaration:

“In fulfilment of the obligation laid down in article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of the Eastern Republic of Uruguay, in line with the reservation made at the time of depositing the instrument of ratification of the Convention on the Rights of the Child, declares:

That in exercise of its sovereignty and in accordance with domestic law, it does not under any circumstances permit voluntary recruitment into the armed forces of persons under 18 years of age”

OPAC Report:

- CRC/C/OPAC/URY/1, 14th November 2013;
 - Replies to the List of Issues CRC/C/OPAC/URY/Q/1/Add.1, 25th November 2014
 - Examined: 20th January 2015.
 - Summary Record, CRC/C/SR.1956
 - Concluding Observations: CRC/C/OPAC/URY/CO/1, 6th March 2015

Uruguay has not subsequently reported under the Convention on the Rights of the Child

Issues arising

All the evidence is that Uruguay has strictly applied the minimum age limit of eighteen set out in its Declaration under OPAC to both voluntary and obligatory recruitment. Questions from the Concluding Observations on its OPAC Report which might most usefully be followed up in the List of Issues currently under consideration are those in Paragraphs 13 and 15, concerning military schools, Paragraphs 17 and 19, concerning the criminalisation of juvenile recruitment, and Paragraph 21, concerning the treatment of refugee, asylum-seeking or migrant children who may have been involved in armed conflicts elsewhere. The issue of sexual abuse of children by UN peacekeepers is also relevant.

Military schools

In its OPAC Report, Uruguay gave detailed information on admission requirements for its Officer Training Schools: the Army Military School, the Air Force Military and Technical School and the Naval School, all of which depend on the academic standard previously reached and are therefore open to a number of students who are approaching but have not yet reached the minimum age of 18 otherwise required for military recruitment. Specific provisions allow enrolment of sixteen-year-olds to the Army Musical School, the Army School of Communications and the two Air Force establishments (paras 24 and 26). Students at all these institutions are considered as members of the armed forces, but in accordance with Article 13 of the Code on Children and Adolescents do not join units which may be called upon to take part in hostilities (para 21). Furthermore, students aged under eighteen are not liable to military disciplinary or punishment regimes. Students under the age of 18 are excluded from all training involving the use of weapons (para 29). Students aged under 18 are free to leave the schools at any time, subject only to parental consent (para 74); it is not made clear whether those who remain beyond their eighteenth birthday thereby commit themselves to a military career (but the Naval School in particular also offers training qualifications to prospective merchant seamen (para 59). However students aged over eighteen who leave without permission are subject to imprisonment of from three to eighteen months on a charge of desertion (para 70). There are no specific mechanisms for complaints from minors who are students at the military schools (para 75).

There is also the General Artigas Military High School which offers a free secondary education including “pre military instruction” (para 49). Candidates from this institution have preference in the award of scholarships for study at the Army Military School (para 31).

In Paragraph 2 of the List of Issues, the Committee asked for information on specific steps taken to ensure that students under 18 did not receive training in the use of weapons. This produced only a restatement, institution by institution, that the training of persons aged under 18 did not involve the use of weapons (Replies, paras 27 – 31), with the exception (para 30) that for parade training pupils at the General Artigas Military High School carried decommissioned weapons. This issue might repay further investigation as to whether, for example, students aged under 18 follow different courses at times when others attend weapons training. In response to Paragraph 3 of the List of Issues, the Replies give details of disciplinary and complaints procedures, institution by institution (paras 32 to 49). Disciplinary measures generally take the form of loss of leave or free time – it is not made clear whether students aged under eighteen are in principle considered subject to the full range of military law and punishments. Although there are complaints procedures, these are generally internal, with no specific independent complaints mechanism.

In Paragraph 12 of the Concluding Observations the Committee expressed concern that “students may be registered in these schools against their own will”. This perception seems to arise from the use in Paragraph 21 of the State Report, with regard to the need for parental consent, of the phrase “apart from the wish of the minors themselves”, which might be interpreted as meaning “irrespective of the minors’ own wishes, although it is to be hoped that it is in practice synonymous with the formulation used in Paragraph 29, “in addition to their own wishes”. Firm clarification of this point would however be welcome. Paragraph 13 of the Concluding Observations recommends

also that Uruguay “ensure that children attending military schools have effective access to an independent complaints and investigation mechanism”.

Finally, with regard to Military Schools in particular, but the secondary education system in general, the Committee in Paragraphs 14 and 15 regrets that despite the piecemeal information provided, “a comprehensive and systematic human rights and peace education” is lacking, and recommends that Uruguay “take effective measures to include human rights and peace education in school curricula with a view to promoting a culture of peace and tolerance and to develop training for teachers to teach human rights and peace”,

Criminalisation of juvenile recruitment

In Paragraph 17 of the Concluding Observations on its OPAC Report, the Committee recommended that Uruguay “explicitly criminalise the recruitment and use in hostilities of children under the age of 18 in the State Armed Forces and non-State armed groups and ensure that penalties are commensurate with the gravity of the crime.” It also recommended “that the State party include in its criminal legislation, as a war crime, the conscription or enlistment of children under the age of 15 into the national armed forces or using them to participate actively in hostilities”. It is not clear why this second recommendation refers only to the national armed forces – no qualifications are attached to similar recommendations made to other States. Paragraph 19, once again in less specific terms than in other cases, urges the State party to take the necessary measures to establish extraterritorial jurisdiction over these crimes.

Refugee, asylum-seeking, and migrant children

Uruguay’s OPAC Report did not mention at all the question of refugee, asylum-seeking and migrant children who might have been involved in armed conflicts elsewhere, and the response to the relevant question in the List of Issues given in Paragraph 63 of the Replies seems to assume that as Uruguay itself has not been involved in any armed conflicts in recent decades, it can have received no refugees who have.

In Paragraph 21 of the Concluding Observations, the Committee recommends that Uruguay “establish an effective identification mechanism for children who may have been recruited and/or used in hostilities, including refugee and asylum-seeker children, and whenever relevant ensure that child victims of the offences under the Optional Protocol are provided with adequate assistance for their physical and psychological recovery and social reintegration”

Peacekeeper abuse

Over the years there have been a number of allegations of sexual abuses committed by Uruguayan members of UN peacekeeping missions, mainly against adults, but including, according to the UN database² the rape of children by members of MONUSCO in 2002, 2009, 2010 and on two occasions in 2014.

It is therefore appropriate that the Committee should point out strongly to the State party that children involved in armed conflict are entitled to special protection under international humanitarian law, including from sexual abuse., also that the State party be questioned over the

² United Nations Peace Security Data Hub, [Conduct and Discipline: Sexual Exploitation and Abuse Data](#), 2025

measures it takes to deter and prevent such abuse, and details of investigation, prosecution and convictions of such allegations and compensation paid to victims.

Suggestions for the List of Issues Prior to Reporting

1. Please confirm that any enrolment of juveniles in military schools is, over and above all other entry requirements, strictly conditional upon the informed consent of the student himself. To what extent do students at these institutions commit themselves on successful graduation commit themselves to pursuing a military career, and what penalties apply if they do not? Please clarify whether students aged under eighteen are considered formally to be subject to the full range of military law and punishments, also what practical measures are taken to make sure that they do not take part in weapons training. What action has been taken in response to the recommendation in the Concluding Observations on the OPAC Report that the State party establish an effective external complaints mechanism accessible to minors who are students at these establishments? Also what action has been taken to implement the recommendation that the State party specifically include human rights and peace education in the curricula of military and civilian schools and teacher training alike?
2. What action has the State party taken to implement the recommendation in Paragraph 17 of the Concluding Observations on its OPAC Report that it “explicitly criminalise the recruitment and use in hostilities of children under the age of 18 in the State Armed Forces and non-State armed groups and ensure that penalties are commensurate with the gravity of the crime.”? Has all recruitment and use in hostilities of children under the age of 15 been specifically defined in national legislation as a war crime? Has the State party established extraterritorial jurisdiction over these offences, as recommended in Paragraph 19 of the OPAC Concluding Observations?
3. Please provide data on all persons arriving in Uruguay in recent years who may as children have been the victims of recruitment of use in armed conflict, disaggregated by date of arrival, sex, age, nationality, ethnic origin and socioeconomic background, as well as the time frame of the use of the child in armed conflict, and his or her age at the time. What training do relevant professionals receive to help them to identify persons arriving who may as children have been involved in armed conflict? What programmes are in place to aid the physical, psychological and social recovery and reintegration of such persons?
4. In the light of allegations of further sexual abuse of children by Uruguayan peacekeepers, please give details of training given to all members of the armed forces assigned to peacekeeping missions with regard to respect of children’s rights and dignity, of investigation into such incidents and the punishments imposed, as well as on the compensation paid where relevant to victims.